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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,331	08/10/2001	Kristiaan Johan Hubert Ghislainus Venken	Q65268	6160
7590	04/21/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213				LE, VIET Q
		ART UNIT		PAPER NUMBER
		2667		

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/925,331	VENKEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Viet Q. Le	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 August 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 4-15 is/are allowed.
- 6) Claim(s) 1 and 3 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/10/2001.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**-DETAILED ACTION**

***Drawings***

1. The drawings are objected to because:

- a. Figure 1: CN. The abbreviation "CN" should either be spelled out or deleted.
- b. Each box in figures 1, 2 and 3 should be numbered accordingly.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The abstract of the disclosure is objected to because the title of the application shall not appear on the abstract page. Correction is required. See MPEP § 608.01(b).
3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The headings of each of the sections as described above shall be provided and stated clearly.

4. The disclosure is objected to because of the following informalities: Page 3, line 22, there is duplicated "such as".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 & 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Wei Monin (U.S. 6,243,358), hereinafter referred to as Monin.

Regarding claim 1, Monin disclosed Communication method to be used in a communication network comprising a buffering element (See figure 1, box 20), a line termination element (See figure 1, box 10) and a plurality of network termination elements (See figure 1, network termination equipment are connected to VC1, 2, ... n incoming to the line termination equipment), said buffering element being coupled to

said line termination element, and said line termination element being coupled to each of said network termination elements over a shared medium (See figure 1), CHARACTERISED IN THAT said communication method includes the step of interacting between said buffering element and said line termination element to adjust a cell input / output rate of said buffering element (Figure 1, box 20. Credits are used to adjust the packet rate from the sender or line termination equipment) to at least one bandwidth related condition (See figure 1. Credits are used in controlling the rate from the sender) of each of said network termination elements (See figure 1, network termination equipment are connected to VC1, 2, ... n incoming to the line termination equipment), or vice versa.

Regarding claim 3, Monin disclosed Communication method according to claim 1, CHARACTERISED IN THAT said step of interacting consists of said buffering element (Figure 1, box 20) notifying said line termination element (Figure 1, box 10) to adjust said at least one bandwidth related condition of said network termination elements to said cell input / output rate of said buffering element (See figure 1. Credits are used in controlling the rate from the sender).

### ***Allowable Subject Matter***

7. Claims 4-6 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to show or fairly suggest the reception part of the

buffer adapted to receive the notification from the line termination equipment containing at least one condition of the network termination equipment to feed to the interpreting part and the policing part to adjust the incoming packets accordingly to the network termination equipment condition.

8. Claims 7-9 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to show or fairly suggest the detection part and notification part adapted to receive at least one condition of the network termination equipment to notify the buffer part of the network termination equipment condition.

9. Claims 10-12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to show or fairly suggest the line termination equipment adapted to the information from the buffer to allocate the bandwidth to the network termination equipment.

10. Claims 13-15 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to show or fairly suggest the reception part, the medium access part and the granting part working together to receive the feedback from the buffer and use this feedback to allocate the bandwidth to the network termination parts connected to the line termination equipment.

11. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to show or fairly suggest the line termination equipment to notify the buffering part to adjust the cell rate to at least one bandwidth related condition of the network termination equipment.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Martin P. A. Ljungberg, et al. (U.S. 5,493,566), Flow control system for packet switches.
- b. Kai-Yeung S. Siu et al. (U.S. 6,252,851), Method for regulating TCP flow over heterogeneous networks.
- c. Raphael Rom et al. (U.S. 6,252,849), flow control using output port buffer allocation.
- d. Avail Joy Smith et al. (U.S. 5,784,358), Broadband switching network with automatic bandwidth allocation in response to data cell detection.
- e. Jie Yao et al. (U.S. 6,097,697), Congestion control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Q. Le whose telephone number is 571-272-2246. The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VL

  
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SUPERVISORY PATENT EXAMINEE  
TECHNOLOGY CENTER 2800  
4/18/05